

Attachment to Independent Case Review Report  
For CDRU #253 Case file #95-271023.

Material Examiner: Malone (RO)

Remarks:

Case resulted in a trial, transcript available.

CRM - 7351

# INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: David W. Hall

Area(s) of Expertise: Forensic Botany

Review commenced at: 9:15 AM (Time), 22 Sept. 04 (Date)

File #: 95-271023

Laboratory #(s): 60911045 S RR

## Examiner(s) & Symbols

	Reviewed	Not Reviewed	Reviewed	Not Reviewed
<u>Malone (RR)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Materials Reviewed

Trial testimony transcript(s) of: Michael P. Malone

Testimony Date(s): \_\_\_\_\_ Pages: 85-170

Laboratory Report(s):

Laboratory Number: 60911045 S RR Date: 29 Oct. 1986

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of:

Laboratory Number: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Page 1 of 3

CRM - 7352

Initials: DWH

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Results of Review

File #: 95-271023 Item or Specimen # Reviewed: \_\_\_\_\_

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
  - 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
  - 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

Page 2 of 3

Initials: FWH

Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-271023

5+1) Examiner obviously does not have the expertise to determine the identification, diseases, or nutritional levels, or management of these grasses. Many such experts are available. The Botany Dept. of the Smithsonian would not have such expertise.

1) ~~2)~~ Plant material notes do not mention numbers of specimens in each sample or condition of samples or the container in which a3 + a4 were sent.

Review completed at: 10:00 AM (Time), 27 Sept. 2004 (Date)

Total time spent conducting review (to nearest 1/4 hour): 0.75 hr

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 43 pages.

David W. Hall 27 Sept. 2004  
(Signature) (Date)